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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

U.S. DISTRICT COURT
DISTRICT OF MASS.

JOSEPH DI BENEDETTO

Plaintiff

vs.

CASE NO. 04-10570-RCL

NATIONAL RAILROAD
PASSENGER CORPORATION,

Defendant

PROPOSED JOINT SCHEDULING PLAN
PURSUANT TO RULE 16(B) AND 26(F)

1. Statement of the Case

This case involves a carpal tunnel syndrome claim brought pursuant to an Act of Congress known as the Federal Employer's Liability Act (FELA), 45 U.S.C., Sec. 51 et seq.

As a result of his job duties, Plaintiff was exposed to the occupational risk factors for repetitive stress injury to his hands. It is Plaintiff's claim that as a result of the Defendant's negligence, Plaintiff suffered occupational carpal tunnel syndrome.

Defendant failed to provide Plaintiff with a safe work environment under the FELA, specifically, failing to provide an adequate and timely ergonomics program, adequate equipment and/or manpower to perform his duties.

The Defendant denies Plaintiff's claims and further denies that its' alleged negligence was the proximate cause of Plaintiff's injuries.

2. Joint Discovery Plan

The attorneys for the parties have reached an agreement for a proposed Pretrial schedule as follows:

- (a) All additional parties shall be joined by July 2, 2004.
- (b) Amendment of pleadings shall be completed by July 2, 2004.
- (c) Parties will exchange initial disclosures by October 15, 2004.
- (d) All fact discovery should be completed by January 31, 2005.
- (e) All experts who may be witnesses for the Plaintiff shall be designated no later than December 31, 2004.
- (f) All experts who may be witnesses for the Defendant shall be designated no later than January 31, 2005.
- (g) All expert discovery shall be completed by February 27, 2005.
- (h) All motions for Summary Judgment to be filed by March 15, 2005.

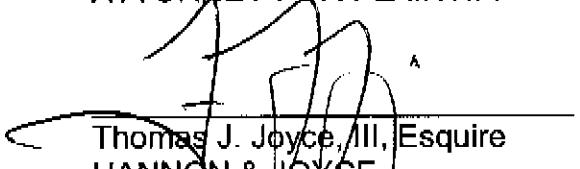
Thomas J. Joyce, III, Hannon & Joyce, counsel for Plaintiff, Joseph DiBenedetto, and Paul J. Sahovey, Massachusetts Bay Transportation Authority, counsel for Defendant, National Railroad Passenger Corporation, have conferred concerning the above discovery schedule and expenses.

Counsel for the parties have discussed informally exchanging discovery to reduce the cost of litigation to our clients and agreed to conform to the obligation to limit discovery set forth in F.R.C.P. 26(b). Discovery is expected to include all relevant information including but not limited to Plaintiff's work and medical history as well as Defendant's safety, medical and ergonomic history regarding carpal tunnel syndrome.

The parties and their respective counsel have conferred regarding settlement.

Dated: May 27, 2004

ATTORNEY FOR PLAINTIFF


Thomas J. Joyce, III, Esquire
HANNON & JOYCE
Public Ledger Building, Suite 1000
150 S. Independence Mall West
Philadelphia, PA 19106
215-446-4460

Michael J. McDevitt, Esquire
Lawson & Weitzen
88 Black Falcon Avenue, Suite 345
Boston, MA 02210
617-439-4990
Local Counsel for Plaintiff

Respectfully Submitted,

ATTORNEY FOR DEFENDANT


Paul J. Sahovey, Esquire
Massachusetts Bay Transportation
Authority
10 Park Plaza
Boston, MA 02116
617-222-3189